UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/788,989	O'NEIL ET AL.
	Examiner	**Art Unit**	
	Dan Washburn	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,6-8,26,29 and 32-52</u> is/are pending in the application.

    4a) Of the above claim(s) <u>26,29,39,40,48 and 49</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,6-8,32-37,41-47 and 50-52</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/2/07

has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1 and 6-8 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 1, 35, and 44 are objected to because of the following informalities: Line

12 of each claim reads, "second brand *extension scheme* for..." it should read,

"second brand *extension color scheme* for..."

Claims 26 and 29 are objected to because of the following informalities: Claims

26 and 29 were withdrawn from consideration in the last office action because they

were drawn to the non-elected groups B and C of the restriction requirement. The

status identifiers that accompany the claims should read, "previously withdrawn" instead

of "previously presented".

Claims 36-43 are objected to because of the following informalities: Claims 36-43

describe the method of claim 35, but claim 35 describes a computer-readable storage

medium. Claims 36-43 should be amended to describe, "The computer-readable

storage medium of claim 35".

Appropriate correction is required.

Election/Restrictions

Newly submitted claims 39, 40, 48, and 49 are directed to an invention that is

independent or distinct from the invention originally claimed for the following reasons:

Claims 39 and 48 are identical in scope to non-elected claim 26 (group B) and claims 40

and 49 are identical in scope to non-elected claim 29 (group C).

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 39, 40, 48, and 49 are withdrawn from

consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and

MPEP § 821.03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 6, 7, 32-37, 41-46, and 50-52 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Anderson et al. (US 5,737,394) in view of Lee et al. (US

2002/0183098), in view of Lin (US 2004/0253976), in view of Kishida et al. (US

2002/0045465), and further in view of Murren et al. (US 2002/0198931).

As to claims 1, 35, and 44, Anderson describes a method for using a color scheme to communicate software application functionality associated with an incoming event notification and related to the integration of hardware and software in a computing device, comprising:

providing a first software application associated with a first mobile partner, wherein the software application associates a function with a soft key according to an incoming event notification, wherein the function of the soft key is selectable by receiving an input from a hardware button (column 5 lines 38-64 describes a telephone apparatus that includes a plurality of soft keys, further column 10 lines 33-53 describes that the function of the soft keys change based on incoming events, such as an incoming call or an incoming text message); and

receiving an incoming event notification that instantiates the first software application on the computing device, wherein the first software application determines software functionality options for the software key for responding to the incoming event notification (column 10 lines 33-53 describes the telephone apparatus receiving an incoming call or an incoming text message).

Anderson doesn't describe associating a color scheme with the software application to indicate that the function of the soft key is associated with the hardware button, nor does he describe illuminating the soft key and the hardware button on the computing device according to the color scheme to indicate that the hardware button is associated with the soft key functionality for responding to the incoming event notification.

However, Lee describes associating a color scheme with a software application

(paragraph 0005 describes prior art cellular phones that change the color of the LCD

based on the identified calling party) and illuminating a soft key and a hardware button

on a computing device according to the color scheme (paragraphs 0006-0009 and

paragraph 0019 describe an improved cellular phone where the hardware buttons are

illuminated in a specific color along with the LCD, in order to identify the calling party). It

would have been obvious to one of ordinary skill in the art at the time of the invention to

include in Anderson the system and method of illuminating an LCD (which includes any

displayed soft keys) and at least one hardware button according to a color scheme, as

taught by Lee, in order to allow a user to determine the calling party by simply looking at

the overall color appearance of the phone, rather than requiring a user to read the name

displayed on the LCD. The advantage of the color based caller ID method described in

Lee is that it allows a user to determine the calling party quickly and easily, which

makes the phone more user friendly and thus more popular with the average consumer.

Anderson in view of Lee doesn't describe that the color scheme associated with

the software application indicates that the function of the soft key is associated with a

hardware button, nor does Anderson in view of Lee describe that the illuminated soft

key and hardware button are illuminated according to the color scheme to indicate that

the hardware button is associated with the soft key functionality for responding to the

incoming event notification.

However, Lin describes a software application that detects the operating status of

a telephone, determines all possibly enabled functions, and changes at least part of the

light sources from a first status to a second status according to the operating status, in order to show at least one key corresponding to possibly enabled functions. Lin specifically describes that the software application uses a lighting scheme to indicate that the functions displayed on the LCD are associated with specific hardware buttons (paragraphs 0008-0010).

Lin further describes illuminating the hardware button on the computing device to indicate that the hardware button is associated with the currently displayed functionality presented on the LCD for responding to an incoming event notification (paragraphs 0022-0026 describe that when a mobile phone receives an incoming call a user is required to press 'send' or 'ok' in order to answer the call. The problem with this simple action is that the 'send' key and 'ok' key may not always be located in standard locations on the phone, thus a user may become confused, press the wrong key, and miss important calls. In order to remedy this problem, the invention described by Lin illuminates the 'send' key and the 'ok' key to indicate that these two hardware buttons will allow a user to answer the call. This method of illuminating the appropriate keys ensures that even a beginner will have an easy time operating the phone). It would have been obvious to one of ordinary skill in the art at the time of the invention to include in Anderson in view of Lee the system and method wherein the software application uses a lighting scheme to indicate that the functions displayed on the LCD are associated with specific hardware buttons, and further wherein the software application illuminates a hardware button on the computing device to indicate that the hardware button is associated with the currently displayed functionality presented on the

LCD for responding to an incoming event notification, as taught by Lin, in order to light

up the specific hardware buttons that should be used in conjunction with an incoming

event notification, rather than simply lighting up random or all of the hardware buttons

when the phone receives an incoming event notification. The advantage of lighting up

the specific hardware buttons that are relevant to the incoming event notification is that

it will help a user take appropriate action based on the incoming event notification,

which makes the phone more user friendly and thus more popular with the average

consumer.

Anderson in view of Lee and further in view of Lin doesn't describe that the

computing device includes a second application that is associated with a second mobile

partner, wherein the color schemes for the first and second applications include a first

brand extension color scheme for a first mobile partner and a second brand extension

color scheme for a second mobile partner, and wherein the soft key and hardware

button are illuminated according to the first brand extension color scheme, which

indicates that the first software application is associated with a first mobile partner.

Anderson in view of Lee and further in view of Lin doesn't describe instantiating the

second software application, and illuminating the soft key and the hardware button on

the computing device according to the second brand extension color scheme to indicate

that the hardware button is associated with the soft key and to indicate that the second

software application is associated with the second mobile partner.

However, Kishida describes a computing device that includes first and second

applications, where the first application is associated with a first mobile partner and the

second application is associated with a second mobile partner, a first application is

instantiated when the computing device is first turned on and a second application is

instantiated when the computing device starts the process of identifying a local network

operator (paragraph 0029 describes the process illustrated in Figure 6. The process

includes a start-up sequence that sets up the necessary functions of the phone and

selects a background image for the display. The initial background image is an image

related to the contract operator of the mobile phone. As such, the background image

might be of an advertising character or might be a logo of the contract operator

(considered to be presented in the brand extension color scheme of the contract

operator). This image remains on the display as a background image until a local

network operator is identified. The identification process is considered to be carried out

by a separate application within the mobile phone. Once the local network operator is

identified the background image of the contract operator is replaced with the

background image of the network operator (the background image of the network

operator is considered to be presented in the brand extension color scheme of the

network operator).

Kishida describes a computing device that includes first and second applications,

where the first application is associated with a first mobile partner and the second

application is associated with a second mobile partner. When the first and second

software applications are implemented on the system disclosed by Anderson, Lee, and

Lin, the combination is considered to achieve the predictable results of instantiating the

first software application, and illuminating the background of the display according to a

first brand extension scheme, which indicates that the first software application is associated with the first mobile partner, and then initiating the second software application, and illuminating the background of the display on the computing device according to the second brand extension color scheme to indicate that the hardware button is associated with the soft key and to indicate that the second software application is associated with the second mobile partner.

Kishida doesn't describe that the color scheme of the contract operator or the network operator extends any farther than the displayed background image.

However, Murren describes a server system that sends requested data to a wide range of clients, which includes clients accessing the data over a cellular network (paragraphs 0023-0025). Murren further describes that the server system includes a presentation layer that controls the look and feel of applications sent to client devices based on the brand of the device. The server selects a particular layout, branding, skin, color scheme, and other customizations based on the properties of the application and user preferences (paragraphs 0047-0048, 0097, and 0108). Thus, if these teachings are combined with the teachings of Anderson, Lee, Lin, and Kishida the combination yields the predictable result of a first brand extension color scheme that can be applied to the entire computing device (including the soft keys and hardware buttons taught by Anderson, Lee, and Lin) when a first mobile partner is associated with the computing device and a second brand extension color scheme that can be applied to the entire computing device when a second mobile partner is associated with the computing device.

All the elements of claims 1, 35, and 44 are known in Anderson, Lee, Lin,

Kishida, and Murren, and the only difference is the combination of known elements has

been combined into a single computing device.

Thus, it would have been obvious to one of ordinary skill in the art at the time of

the invention to include in Anderson, Lee, and Lin, the system and method of a second

application that is associated with a second mobile partner, wherein the color schemes

associated with the first and second applications include a first brand extension color

scheme for a first mobile partner and a second brand extension color scheme for a

second mobile partner, and wherein the soft key and hardware button are illuminated

according to the first brand extension color scheme, which indicates that the first

software application is associated with a first mobile partner, instantiating the second

software application, and illuminating the soft key and the hardware button on the

computing device according to the second brand extension color scheme to indicate

that the hardware button is associated with the soft key and to indicate that the second

software application is associated with the second mobile partner, as is taught by

Kishida and Murren when combined with Anderson, Lee, and Lin, in order to achieve

the predictable results of a computing device that includes multiple software

applications and includes the ability to apply a first color scheme to the computing

device when an application associated with a first mobile partner is active on the device,

wherein the first color scheme is a brand extension color scheme associated with the

first application, and includes the ability to apply a second color scheme to the

computing device when a second application associated with a second mobile partner is

active on the device, wherein the second color scheme is a brand extension color

scheme associated with the second application.

Concerning claims 6, 36, and 45, Lee and Lin both describe a method wherein

illuminating the hardware button comprises illuminating an illuminating element, wherein

the illuminating element is at least one member of a group comprising: a tri-colored light

emitting diode and an electro-luminescence light (Lee paragraph 0018 and Lin

paragraph 0021).

Regarding claims 7, 37, and 46, Anderson describes a method wherein the

incoming event notification is associated with an incoming call (column 10 lines 33-53

describes a user receiving a call while currently engaged in a conversation).

As to claims 32, 41, and 50, Kishida describes a method wherein the first and

second brand extension schemes are associated with service providers (paragraph

0029 describes the contract operator and the network operator, which are both

considered service providers).

Concerning claims 33, 42, and 51, Kishida describes a method wherein the first

and second brand extension schemes are associated with operator equipment

manufacturers (paragraph 0026 describes that the background image can be selected

from a collection of background images based on parameters set by the manufacturer,

which is considered one or more background images that are associated with operator

equipment manufacturers).

Regarding claims 34, 43, and 52, Kishida describes a method wherein the first

and second brand extension schemes are associated with an application on the

computing device (paragraph 0029 describes that the background image of the contract

operator is displayed during the start-up application and this image is replaced with the

background image of the network operator when a second application that searches for

a network operator successfully identifies a network).

Claims 8, 38, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Anderson et al. (US 5,737,394) in view of Lee et al. (US 2002/0183098), and

further in view of Lin (US 2004/0253976), Kishida, and Murren, as applied to claim 1

above, and further in view of Kimura (US 6,762,740).

With regard to claims 8, 38, and 47, Anderson in view of Lee and further in view

of Lin, Kishida, and Murren doesn't describe a method wherein the color scheme

changes to communicate information corresponding to elapsed time associated with the

software application.

However, the background of Kimura describes JPA 10-145745, which discloses

a portable telephone unit that varies the color of the backlight based on the current

battery level (column 1 lines 39-67 and column 2 lines 1-9). The battery life of the

portable phone is considered to be a measure of how long the phone has been on since

it was last charged, and how much time remains before the phone must be recharged,

thus varying the color of the backlight of the phone based on the battery life is

considered a method wherein the color scheme changes to communicate information

corresponding to elapsed time associated with the software application. It would have

been obvious to one of ordinary skill in the art at the time of the invention to include in

Anderson, Lee, Lin, Kishida, and Murren the system and method of varying the

backlight of a portable phone according to an elapsed time associated with the software

application, as taught by the background of Kimura, in order to allow a user to quickly

and easily see how much battery life is left in the phone simply by observing the color of

the backlight.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dan Washburn whose telephone number is (571) 272-

5551. The examiner can normally be reached on Monday through Friday 8:30 a.m. to

5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER